

**WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

**Meeting Minutes**

**July 25, 2019**

The regular monthly meeting was held at the office of the Department of Land Preservation, 500 Mt. Pisgah Avenue, Oxford, New Jersey. The meeting was called to order by Chairman Schnetzer at 7:31 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Chairman Schnetzer led the Pledge of Allegiance.

Members present: Lou Baduini, Tim Bodine, Bradley Burke, Dave Dempski, Jason Menegus, Joel Schnetzer, Melissa Watters

Members absent: None

Others present: T. Kaminski, C. Tierney, Staff; Steve Gruenberg, Substitute County Counsel; Richard Anderson, Hardwick Township; Reggie Regrut, Phillipsburg; Stefanie Miller, SADC.

**Minutes** of the meeting held on June 20, 2019 were approved on a motion by Mr. Dempski and seconded by Mr. Burke. Mr. Baduini and Mr. Menegus abstained. Motion carries.

**Executive Minutes** of the meeting held on June 20, 2019 were approved on a motion by Mr. Dempski and seconded by Mr. Bodine. Mr. Baduini and Mr. Menegus abstained. Motion carries.

**Correspondence:** Noted

**Public Input (Non-agenda Items):**

**Illegal immigrants for ag labor in United States**

Mr. Regrut from Phillipsburg had come to the Board looking for a response to the email that he sent last month with an attached CBS news article regarding illegal immigrants working in agriculture affecting economy and questions for the Board which were distributed prior to the June 20<sup>th</sup> meeting and also as a handout before that meeting. Mr. Burke stated this Board does not have jurisdiction over this matter and Mr. Menegus had directed Mr. Regrut to the County Board of Agriculture as Mr. Gruenberg had stated this Board's functions are for farmland preservation and Right-to-Farm Hearing and the County Board of Agriculture is related to farmers and farming issues. Mr. Regrut had said that in the County Directory, he did not see another board as it is listed alphabetically and thought that he was at the only Board of Agriculture in the County. Mr. Gruenberg had stated that there would be no response from this Board. There was no discussion regarding the subject.

**Old Business:**

**Campbell Foundry Farm, BL 5200 L 1100, Hope Township, possible DOE violation**

Mr. Tierney stated that the matter was currently under investigation by the NJ DEP and that we were awaiting their findings.

**Hillyerd Farm, Knowlton Township**

Mr. Tierney had followed up with Kevin Covatta of the WC Health Department, Mr. Tierney had stated that the SADC does not have a problem with the removal of leaves that are on the preserved farms. Mr. Tierney had let Mr. Baldwin know that he was allowed to remove the leaves.

**New Business:**

**Resolutions**

**Cronce Certification of Commercial Farm, BL 45 L 2.01, Harmony Township Resolution #19-07**

Mr. Baduini made a motion for approval of the Cronce Certification of Commercial Farm, BL 45 L 2.01, Harmony Township #19-07 as presented which was seconded by Mr. Dempski.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – abstain. Motion carries.

**Cronce Denial of SSAMP Right-to-Farm Hearing, BL 45 L 2.01, Harmony Township Resolution #19-08**

Mr. Baduini made a motion for approval of the Cronce Denial of SSAMP Right-to-Farm Hearing, BL 45 L 2.01, Harmony Township #19-08 as presented which was seconded by Mr. Dempski.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – yes; Mr. Bodine – yes; Mr. Dempski – yes; Ms. Watters – yes. No roll call for Mr. Burke as he voted yes at the April 30<sup>th</sup> RTF Hearing and Mr. Menegus abstained as he was not participating or in attendance at the Cronic RTF Hearing. Motion carries.

**Certification of Commercial Farm for calendar year 2019 Hafscop d'Villa, William & Susanne Laban, BL 1601 L 11, Blairstown Township Resolution #19-11**

Mr. Burke made a motion to approve the Certification of Commercial Farm for the 2019 calendar year of the Hafscop d'villa Farm, William & Susanne Laban, BL 1601 L 11, Blairstown Township with the satisfaction that a letter from their Forester was received stating that they were in compliance with their woodland management plan this year and also Mr. Burke stated to remove the word "Cronic" from the "Now, Therefore it be Resolved" paragraph and replace with "Hafscop D'villa" which was seconded by Mr. Bodine.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – abstain; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – abstain. Motion carries.

**CADB Funding for CPIG Stampone/CDEK, LLC, BL 41 L 10, Knowlton Township Resolution #19-12**

The total cost for the funding of the 31.7 (3%+) acre farm is \$147,405.00 at \$4,650/acre with SADC Cost Share at \$101,123.00 (\$3,190/acre), Warren County Cost Share at \$46,282.00 (\$1,460/acre). There are no existing structures or ag labor housing units on premises to be preserved. A one non-severable exception area of 3.5 acres around an existing, but currently uninhabitable, single family residence, a barn with additional living area, and other outbuildings restricted to one single family residential unit and for future flexibility of uses. There are no RDSOs allocated, no preexisting non-agriculture use on premises and no proposed trails. Any easements are to be determined with title search. The farm has 0% of prime farmland soil, 0% of statewide soil, 2.45% unique soil and is 90.77% tillable with woodlands at 9.23%. The farm is in corn for grain. It is located in the North Project Area.

Mr. Bodine made the motion to support the Warren County Cost Share amount for the preservation funding on this CPIG farm application and Resolution #19-12 as presented to make a recommendation to the Freeholders which was seconded by Mr. Burke.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – abstain; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion carries.

**CADB Funding for MUNI PIG Estate of Robert P. Thompson, BL 59 L 1, White Township Resolution #19-13**

The total cost for the funding of the 39.7 acre farm is \$238,200.00 at \$6,000/acre with SADC Cost Share at \$154,830.00 (\$3,900/acre), White Township Cost Share at \$41,685.00 (\$1,050/acre), Warren County Cost Share at \$41,685.00 (\$1,050/acre). There are no existing structures or ag labor housing units on premises to be preserved. There are two exceptions on the property: 1) A non-severable exception area of 1 acre for future single family residence restricted to one single family residential unit; and 2) A severable exception area of 3 acres for future single family residence restricted to one residential unit. There are no RDSOs allocated, no non-agriculture uses on premises and no proposed trails. Any easements are to be determined with title search. The farm has 70% of prime farmland soil, 27% of statewide soil and is 100% tillable. The farm is in soybean crops. It is located in the West Project Area.

Mr. Bodine made the motion to support the Warren County Cost Share amount for the preservation funding on this MUNI PIG farm application and Resolution #19-13 as presented to make a recommendation to the Freeholders which was seconded by Mr. Dempski.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – abstain; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – abstain. Motion carries.

**House Replacement on Preserved Heeres Farm, BL 37 L 13 & BL 44 L 12, Harmony Township Resolution #19-14**

Mr. Bodine made a motion to approve the House Replacement on Preserved Heeres Farm, BL 37 L 13 & BL 44 L 12, Harmony Township, Resolution #19-14 as presented which was seconded by Mr. Burke.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – abstain; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – abstain. Motion carries.

**House Replacement on Preserved Brugler #1 Farm, BL 29 L 1, Knowlton Township Resolution #19-15**

Mr. Burke made a motion to approve the House Replacement on Preserved Brugler #1 Farm, Knowlton Township, Resolution #19-15 as presented which was seconded by Mr. Bodine.

Roll Call: Mr. Schnetzer – yes; Mr. Baduini – abstain; Mr. Bodine – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – abstain. Motion carries.

**Certification of Commercial Farm - Anderson Farm, Richard Anderson, BL 1103 L 9 & BL 1104 L 6 & 7, Hardwick Township**

Richard Anderson owns BL 1103 L 9 and BL 1104 L 6 & 7 in Hardwick Township. This application meets the part of the eligibility criteria for Certification of a Commercial Farm by being five or more acres, and is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan. The Department letter of June 21, 2019 stated that the CADB would like the following: 1) letter from current Forester that all activity required on the plan was completed this year and that 12 cords were removed with removal dates indicated for same; 2) Activity Map and Forest Stand Map from the Current Plan; 3) a letter from your accountant verifying that the 2018 Schedule F submitted to the Board

is the actual document filed with the IRS or a copy of an extension request, if filed. Mr. Anderson was present at the meeting but did not have the requested documents and asked the Board why they were necessary. The Board discussed the reason with Mr. Anderson. Mr. Anderson explained that he takes care of his elderly mother and was not able to come to the last meeting. Mr. Anderson stated that he will get the paperwork for next month's meeting.

Mr. Bodine made a motion to table this certification until next meeting and the requested documents noted in the Department's letter of June 21, 2019 are received which was seconded by Mr. Baduini.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion Carries.

### **Highlands Council Grant Funding**

#### **Highlands Deed of Easement Template for Review**

Mr. Tierney stated that the Highlands Council is not able to use federal Fish & Wildlife funding towards the HDC formula on the Highlands applications, so this is no longer an issue of concern.

#### **Apple Mountain email regarding funding**

Mr. Tierney stated that the applicant, Tim Matthews, can apply to the Highlands Council Open Space Program. This would potentially provide 50% of the current valuation, but would not utilize the Highlands hypothetical valuation because title has passed to Mr. Matthews, who was not the owner of record in 2004. However, 50% of the current value would cover about 25% of the highlands hypothetical cost if the County was inclined to cover the remaining 75%. The driveway violation would still need to be addressed to the satisfaction of the County Engineer and County Counsel.

Mr. Burke had commented that the NJFB might get the legislation changed for the dual appraisal value when the farm is sold to another farmer.

The Board inquired whether proceeding in this fashion would set a precedent for other owners who purchased farms in the highlands preservation area. Mr. Tierney stated that this project is unique and can be distinguished from others because it was previously under contract with the county for farmland preservation and a survey was already completed by the county. In addition, the preservation proceeds could help ensure the landowner rectifies the outstanding driveway issue.

Mr. Bodine made a motion to submit application to Highlands Council and make a recommendation to the Freeholders to 75% cost-share. Mr. Burke seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion Carries.

#### **TLC-NJ Non-Profit Farms Agreement for 50% cost-share recommendation to Freeholders**

The Land Conservancy of New Jersey has applied and received 50% cost-share on the 5 non-profit applications with the SADC. The total cost of the due diligence costs and cost-share cost is \$945,175. The cost-share for the acquisition is \$886,075 and for the cost of the appraisals, title and survey is \$59,100. The County would pay for 100% of the appraisal costs and 50% for the survey and title work on the non-profit applications and the County would take title on the easements. The breakdown for each farm is as follows:

- 1) The Promised Land Farm (Block 57 Lot 31.01 in Franklin Township, consisting of approximately 57.41 net acres) at an easement value not to exceed \$6,500.00 per acre for an estimated acquisition cost of \$373,165.00, with the County to cost share 50% of the estimated acquisition costs of no more than \$3,250 per acre or \$186,582.50;
- 2) The Hidden Woods Farm (Block 601 Lots 1, 1.01 & 2 in Frelinghuysen Township, consisting of approximately 105.03 net acres) at an easement value not to exceed \$5,500.00 per acre for an estimated acquisition cost of \$577,665.00, with the County to share 50% of the acquisition costs of no more than \$2,750 per acre or \$288,832.50;
- 3) The Navesink Roots Farm (Block 202 Lot 1.03 in Hardwick Township, consisting of approximately 23.7 net acres) at an easement value not to exceed \$7,700.00 per acre for an estimated acquisition cost of \$182,500.00, with the County to share 50% of the acquisition costs of no more than \$3,850 per acre or \$91,250.00;
- 4) The River Hollow Farm (Block 79 Lot 1 in Washington Township consisting of approximately 53.67 net acres) at an easement value not to exceed \$6,500.00 per acre for an estimated acquisition cost of \$348,855.00, with the County to share 50% of the acquisition costs of no more than \$3,250 per acre or \$174,427.50;
- 5) The Kimball's Farm (Block 61 Lot 5 in White Township consisting of approximately 44.61 net acres) at an easement value not to exceed \$6,500.00 per acre for an estimated acquisition cost of \$289,965.00, with the County to share 50% of the acquisition costs of no more than \$3,250 per acre or \$144,982.50;
- 6) In addition to its 50% share of the estimated acquisition costs above, totaling \$886,075.00, the County shall also share the associated due diligence costs, including but not limited to 100% cost of appraisals and 50% cost of surveys and title fees, estimated at \$59,100.00, for a total amount not to exceed \$945,175.00.

Mr. Menegus made a motion to move forward with the acquisition of the non-profit application and make recommendation for cost-share funding to the Freeholders. Mr. Burke seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – abstain; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion Carries. Mr. Baduini had abstained as he had left the dais for a few minutes and was not part of the whole discussion.

#### **SADC, Stefanie Miller**

Ms. Miller had stated that the Non-Profit program is being revised and will be similar to the MUNI PIG Program with cost-share with a lower contribution by the Counties instead of 50 percent. Ms. Miller had addressed that the SADC is revising the Soil Disturbance Rules. Ms. Miller stated that farms with Highlands Development Credits are being sold for farmland preservation. Ms. Miller had stated that the Corporate Business Tax percentage went up and now the SADC has received \$50 million this year for funding.

The NJFB newsletter had an article about using municipal average for appraisals. Chairman Schnetzer stated that it was an alternate way of appraising and Ms. Miller added that it has to be established by the Highlands Council. Chairman Schnetzer requested more information from Ms. Miller regarding this subject that she may obtain from Drew Siglin of the Highlands Council to discuss at next meeting and the Board may have Mr. Tierney write a letter of support to the Highlands Council for the municipal average for appraisals and land values.

#### **Executive Session**

Mr. Burke made a motion to go into Executive Session which was seconded by Mr. Baduini and Board was in agreement and entered into Executive Session at 8:44 pm.

On a motion by Mr. Baduini and seconded by Mr. Bodine, the Board came out of Executive Session at 8:50 pm in which Mr. Gruenberg stated that pending litigation matters with Quest Environmental were discussed and that the minutes will be released at a later time when the Board deemed appropriate.

Mr. Baduini made a motion to accept the \$7,000 offer of settlement from Quest Environmental for missing the oil tank upon inspection on the O'Dowd farm environmental report which needed soil remediation. The motion was seconded by Mr. Dempski.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mr. Dempski – yes; Ms. Watters – yes; Mr. Menegus – yes. Motion Carries.

**Administrator's Report:** Mr. Tierney went over the report with the Board members.

#### **New Applications:**

##### *Municipal Applications*

- **Brook Hollow Winery** – Knowlton (Approx. 16 ac.)
  - **McLain** – Harmony (Approx. 140 ac.)
- Total Applications: 2      Total Acres: 156**

#### **Awaiting Green Light Approval:**

##### *Non-Profit Applications*

- **Hidden Woods Farm (Rogers)** – Frelinghuysen (Approx. 107 ac.)
  - **Kimball** – White (Approx. 45 ac.)
  - **Navesink Roots** – Hardwick (Approx. 24 ac.)
  - **Promised Land** – Franklin (Approx. 58 ac.)
  - **River Hollow Farms** – Washington (Approx. 60 ac.)
- Total Applications: 5      Total Acres: 294**

#### **Received Green Light Approval:**

##### *County Applications*

**Khan** – Hardwick (Approx. 75 ac.) Corrected exception area. Soon to request RFP's for appraisals.

**Total Applications: 1      Total Acres: 75**

##### *Municipal Applications*

- **Dokie's Acres** - White Township (Approx. 43 ac.) Appraisals underway.
- Total Applications: 1      Total Acres: 43**

#### **Received CMV & Offer Made:**

*County Applications*

- **Dykstra** – Mansfield Township (Approx. 209 ac.) CMV \$2,600. Landowner withdrawing application and will reapply.

**Total Applications: 1            Total Acres: 209**

*Non-Profit Applications*

- **Deer Haven Farm** – Frelinghuysen Township (Approx. 15 ac.) CMV \$5,600.
- **Pipers Hill Farm** – Washington Township (Approx. 27 ac.) CMV \$5,500.

**Total Applications: 2            Total Acres: 42**

Under Contract (Title Search & Survey):*County Applications*

- **Beatty North** – Greenwich (Approx. 86 ac.) Received signed contract; survey contract on Freeholder Agenda 7/24/19.
- **Beatty South** – Greenwich (Approx. 57 ac.) Received signed contract; survey contract on Freeholder Agenda 7/24/19.
- **Haydu** – Harmony Township (Approx. 46 ac.) CMV \$4,900. Title search done & received draft survey, waiting for Engineering Dept. to review survey.
- **Hoffman-LaRoche** – White (Approx. 93 ac.) CMV \$5,100. Received signed contract; survey contract on Freeholder Agenda 7/24/19.
- **Route 57 Partnership** – Franklin Township (Approx. 70 ac.) CMV \$3,200. Received signed contract; soon to put out RFP's on survey.
- **Shandor** – Harmony Township (Approx. 100 ac.) CMV \$3,100. Engineering review letter sent to surveyor.
- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed. Highlands Application has been approved.
- **Smith, John & Jean #2** – Harmony (Approx. 36 ac.) CMV \$6,000. Subdivision resolution received. Highlands Application has been approved. NJDEP & SADC working out Deed of Easement language.
- **Stampone** – Knowlton Township (Approx. 38 ac.) Received signed contract. CADB Agenda approval tonight.

**Total Applications: 9            Total Acres: 608**

*Municipal Applications*

- **Kitchen** – Knowlton (Approx. 28 ac.) CMV \$5,100. Received signed contract.

**Total Applications: 1            Total Acres: 28**

*Non-Profit Applications*

- **Heeres** – Harmony Twp. (Approx. 67 ac.) CMV \$3,800. Engineering reviewing survey.

**Total Applications: 1            Total Acres: 67**

Waiting to Close (Final Legal Review):*County Applications*

- **Anema, Kris** – Washington (Approx. 20 ac.) CMV \$4,000. Fully executed contract. Survey underway.
- **LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.) CMV \$3,200. Draft Survey completed. Engineering review letter sent to surveyor. Under SADC review. Need more LP information and amended lease agreement regarding irrigation.

**Total Applications: 2            Total Acres: 127**

*Municipal Applications*

- **Nonnenmacher #1** – Blairstown (Approx. 106 ac.) CMV \$3,100. Landowner passed away.
- **Nonnenmacher #2** – Blairstown (Approx. 17 ac.) CMV \$5,000. Landowner passed away.
- **Mazza** – Knowlton (Approx. 21 ac.) CMV \$4,850. SADC preliminary review. Engineering Dept. responded review N/A. Trying to subordinate mortgage.

**Total Applications: 3            Total Acres: 144**

*Non-Profit Applications*

- **Hensler** – White Twp. (Approx. 40 ac.) CMV \$3,700. Landowner accepted offer. SADC Preliminary Review.
- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. SADC Preliminary Review. One landowner passed away.

**Total Applications: 2            Total Acres: 291**

Recent Closings: None at this time

- **Tjalma II** – Harmony Twp. (Approx. 61 ac.) CMV rcvd (\$4,900) Closed on 6.27.19.

Pohatcong Contamination Area Projects:*Seeking Highlands Council Open Space Funding cost-share*

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Fully executed contract. Received 50% matching Highlands Grant. Survey underway.

- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Fully executed contract. Received 50% matching Highlands Grant. Survey underway.
- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Received up to 50% matching Highlands Grant. Received signed offer letter.
- **Pereira** – Franklin Township (Approx. 30 ac.) Received up to 50% matching Highlands Grant. Received signed offer letter.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Received up to 50% matching Highlands Grant. Received signed offer letter.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Received up to 50% matching Highlands Grant. Received signed offer letter.
- **Noel** – Franklin Township (Approx. 44 ac.) Received 50% matching Highlands Grant. Landowners reviewing offer with their attorney.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) Applied for Highlands Grant. Inspected by HC staff.
- **O'Dowd South** – Franklin & Greenwich Township – (Approx. 93 ac.) Applied for Highlands Grant. Inspected by HC staff.
- **Tasevski** – Franklin Twp. (Approx. 87 ac.) Received 50% matching Highlands Grant that expires 2/19/20.

**Total Applications: 10**

**Total Acres: 878**

2019 Closings YTD: 5 farms totaling 340 acres

Program Totals: 290 farms totaling 25,670 acres

#### **Water Tower, Washington Township**

Mr. Baduini asked about the status of the Water Tower. Mr. Gruenberg replied that the Land Use Board denied the application and there has been no appeal.

#### **Roes Island Wetlands**

Mr. Baduini had stated that they lost the appellate division case regarding the Roes Island Wetlands Mitigation Project. Mr. Burke had stated that the mosquito population soared on Roes Island and has been a significant expense in cost to the County for monitoring the area.

**Closing Public Comment: none**

**Adjournment:** A motion for adjournment was made by Mr. Baduini and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 8:59 pm.

Respectfully submitted,



Teresa Kaminski